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Attorneys for Plaintiffs Morton and Sanchez, *et al.*

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DONALD MORTON and DANIEL SANCHEZ,  
 on their own behalf and on behalf of a class of  
 similarly situated persons pursuant to F.R.C.P. 23  
 and 29 U.S.C. § 216, and on behalf of the General  
 Public,

Plaintiffs,

v.

VALLEY FARM TRANSPORT, INC., a  
 California Corporation,

Defendants.

Case No. C 06-02933 SI (ADR)

**~~[PROPOSED]~~ ORDER GRANTING  
 PRELIMINARY APPROVAL OF  
 CLASS ACTION SETTLEMENT,  
 NOTICE TO CLASS, AND SETTING  
 OF HEARING FOR FINAL  
 APPROVAL**

Hearing Date:	May 30, 2008
Hearing Time:	9:00 a.m.
Courtroom:	10, 19th Floor
Judge:	Hon. Susan Illston
Complaint Filed:	May 1, 2006

The Motion for Preliminary Approval of a Class Action Settlement came before this Court on May 30, 2008, the Honorable Susan Illston presiding. Plaintiffs DONALD MORTON and DANIEL SANCHEZ ("Plaintiffs") were represented by Class Counsel of Beeson, Tayer & Bodine, APC. Defendant VALLEY FARM TRANSPORT, INC. was represented by its attorney of record, Jeffery Owensby of Rediger, McHugh & Hubbert, LLP. The Court having considered the papers submitted in support of the motion of the parties, HEREBY ORDERS THE FOLLOWING:

1. The Court grants preliminary approval of the Settlement based upon the terms set forth in the Stipulation Regarding Settlement filed herewith. The Settlement appears to be fair, reasonable,

1 and adequate to the Class.

2       2.       The Settlement falls within the range of reasonableness and appears to be  
3 presumptively valid, subject only to any objections that may be raised at the final hearing and final  
4 approval by this Court.

5       3.       A final approval hearing on the question of whether the proposed Settlement,  
6 attorneys' fees and costs to Class Counsel, and the Class Representative Enhancement payments  
7 should be finally approved as fair, reasonable and adequate as to the members of the class is  
8 scheduled for July 25, 2008, at 9:00 a.m. (Pacific Time).

9       4.       The Court approves, as to form and content, the Notice of Proposed Settlement and  
10 Hearing, in substantially the form attached to the Stipulation Regarding Settlement as Exhibit A, the  
11 Proof of Claim Form, in substantially the form attached thereto as Exhibit D, and the Request for  
12 Exclusion from Class Form, in substantially the form attached thereto as Exhibit E. The Court also  
13 approves the procedure for Class Members to object to the Settlement set forth in the Notice of  
14 Proposed Settlement and Hearing.

15       5.       The Court directs the mailing of the Notice of Proposed Settlement and Hearing, Proof  
16 of Claim Form, and Request for Exclusion from Class Form by first-class mail to the Class Members  
17 in accordance with the Implementation Schedule set forth below. The Court finds that the dates  
18 selected for the mailing and distribution of the Notice and Claim Form, meet the requirements of due  
19 process and provide the best notice practicable under the circumstances and shall constitute due and  
20 sufficient notice to all persons entitled thereto.

21       6.       The Court orders the following Implementation Schedule for further proceedings:

22       Deadline to Mail Notice and Claim Form:	June 6, 2008
23       Deadline for Receipt of Objections:	July 7, 2008
24       Deadline to Submit Claim or Exclusion Form:	December 5, 2008
25       Final Approval Hearing:	July 25, 2008
26       Deadline for Payment of Class Counsel's Costs and 27       First Installment of Fees and Settlement Award:	Within seven (7) days after the Effective Date as defined in the Settlement Agreement

Deadline for Payment of Second Installment of Class Counsel's Fees and Settlement Award: October 1, 2008, if approved by then, if not, within seven (7) days of final approval

Deadline for Payment of Third Installment of Class Counsel's Fees and Settlement Award: October 1, 2009

Deadline for Payment of Fourth Installment of Class Counsel's Fees and Settlement Award: October 1, 2010

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_



HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

**CLASS COUNSEL**

Dated: May 2, 2008

BEESON, TAYER & BODINE, APC

/s/ Jason Rabinowitz  
JASON RABINOWITZ  
Attorney for Plaintiffs and Class Counsel

**DEFENDANT'S COUNSEL**

Dated: May 2, 2008

REDIGER, McHUGH & HUBBERT LLP

/s/ Jeffrey Owensby  
JEFFREY OWENSBY  
Attorneys for Defendant